03-09-07   1643
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/551,977
Filing Date	October 4, 2005
First Named Inventor	David Deperthes
Art Unit	1643
Examiner Name	A. Gussow
Attorney Docket Number	KZI-002US

Total Number of Pages in This Submission	

ENCLOSURES *(Check all that apply)*

☐ Fee Transmittal Form	☐ Drawing(s)	☐ After Allowance Communication to TC
☐ Fee Attached	☐ Licensing-related Papers	☐ Appeal Communication to Board of Appeals and Interferences
☐ Amendment/Reply	☐ Petition	☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
☐ After Final	☐ Petition to Convert to a Provisional Application	☐ Proprietary Information
☐ Affidavits/declaration(s)	☐ Power of Attorney, Revocation Change of Correspondence Address	☐ Status Letter
☐ Extension of Time Request	☐ Terminal Disclaimer	☒ Other Enclosure(s) (please Identify below):
☐ Express Abandonment Request	☐ Request for Refund	Statement Pursuant to 37 CFR 1.821; Paper copy of Substitute Sequence Listing; Diskette containing CRF of Substitute Sequence Listing; Copy of Notice to Comply; Return Receipt Postcard
☐ Information Disclosure Statement	☐ CD, Number of CD(s) _____	
☐ Certified Copy of Priority Document(s)	☐ Landscape Table on CD	
☒ Preliminary Amendment and Response to Notice to Comply With Requirements for Sequence Disclosures	☐ Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAHIVE & COCKFIELD, LLP
Signature	
Printed name	Cristin E. Howley, Ph.D.
Date	March 8, 2007
Reg. No.	55,281

Express Mail Label No. EV 957 646 670 US	Dated: March 8, 2007

MAR 0 8 2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,977	10/04/2005	David Deperthes	KZI-002US	3931

959 7590 02/08/2007	EXAMINER
LAHIVE & COCKFIELD, LLP	GUSSOW, ANNE
ONE POST OFFICE SQUARE	

DOCKETED

March 8, 2007 Notice to comply Sequence listing

Aug 8, 2107 Esp w/ext.

	ART UNIT	PAPER NUMBER
	1643	

BOSTON, MA 02109-2127

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)
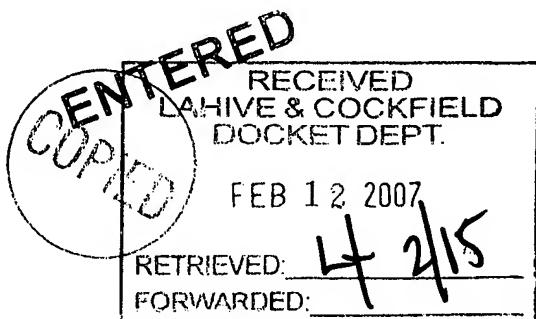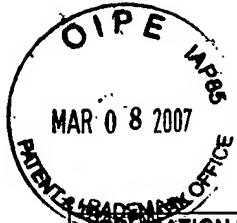
UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/ 551,997	10/24/05	Deperthes, et al	KZI - 002 US

EXAMINER
Anne M. Gussow

| ART UNIT	PAPER
1643	20070201

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1   The reply filed 1/11/07, is not fully responsive to the communication mailed 12/12/06 for the reasons set forth on the attached Raw Sequence Listing Error Report.

2.   Since the above-mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).

3.   Any inquiry concerning this communication should be directed to Examiner Anne M. Gussow, Ph.D. Art Unit 1643, whose telephone number is (571)272-6047. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196. Any questions regarding compliance with the sequence rules requirements specifically should be directed to the departments listed at the bottom of the Notice to Comply.

Notice to Comply and
Sequence Error Report
Attached

LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER

PTO-90C (Rev.04-03)
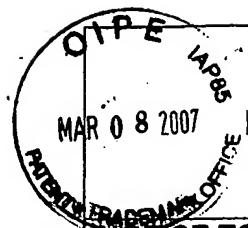
	Application No. 10/551,977	Applicant(s) Deperthes, et al.
Notice to Comply	Examiner Anne M. Gussow	Art Unit 1643	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e). The correct SEQ ID NO:2 is present in the paper copy of the of the sequence listing only. Therefore a search of the correct sequence is not possible.

☐ 7. Other:

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application**.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
For CRF Submission Help, call (703) 308-4212 or 308-2923
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